

**UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS**

UNITED STATES OF AMERICA

CRIMINAL ACTION

NO: 04-10299 PBS

VS.

ANDRES MARTINEZ


FILED
In Open Court
USDC, Mass.
Date 11-28-05
By [Signature]
Deputy Clerk

INFORMATIONAL MOTION

Now comes the defendant Andres Martinez in the above entitled cause and notifies the court, that at the time of sentencing he will challenge:

- 1.) Any efforts to impose a sentence which calibrates the defendants initial base offense level above level 32, because such level was not charged in the indictment.
- 2.) Any effort to impose a sentence which includes an increase for the defendants role in the offense under USSG 3B1.1, because such role was not charged in the indictment
- 3.) Any effort to impose a sentence which includes an increase for the defendants role in the offense under USSG 3B1.1 because such role is not supported by the facts.

Respectfully submitted,
Andres Martinez
by his attorney


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CERTIFICATION

I, the undersigned, hereby certify that I caused a true copy of the within to be delivered this the ~~30th~~^{NOVEMBER} day of ~~October~~ 2005, to the United States Attorney General Office, John Joseph Moakley Bldg, U.S. Courthouse, Suite 9200, One Courthouse Way, Boston, MA 02210, Attn: AUSA Neil J. Gallagher

A handwritten signature in cursive script, appearing to read "J. Frabrie", written over a horizontal line.